

REMARKS

In view of the amendments and remarks presented herein, the Applicants request withdrawal of the rejections and favorable reconsideration of the claims.

This amendment and paper is being submitted in response to an advisory action mailed April 29, 2004. Applicants also attach a Notice of Appeal and a Terminal Disclaimer. The fees for the Notice of Appeal, terminal disclaimer and the fee for the two month extension of time are transmitted herewith. No other fees are believed to be due, however, should any additional fees be deemed necessary in connection with the present paper, the Commissioner is hereby authorized to charge any such fees to our Deposit Account No. 13-2855.

I. Status of the Claims and Response to Clarity Rejection

Claims 47-121 are pending in the instant application. Claims 102-121 have been withdrawn as directed to non-elected subject matter. In the Advisory action, it was indicated that step (e) of claim 47 was deemed to be confusing for lack of antecedent basis for "overlapping sequences." Applicants have amended step (e) and inserted step (f) in claim 47 to state:

- (e) analyzing the sequences identified in step (d) to determine identified sequences that overlap
- (f) reconstructing said sequence from overlapping oligonucleotide sequences identified in step (e).

The above amendment is supported by the specification as filed (see e.g., page 4, lines 27-30). In view of the above amendment, the clarity rejection of claim 47 should be withdrawn.

II. Rejection under obviousness-type double patenting should be held in abeyance

Claims 47-97, 99 and 101 were rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,401,267.

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Claims 98 and 100 were rejected under the same doctrine over claims 1-40 of U.S. Patent No. 6,401,267 in view of Duck et al. (U.S. Patent No. 4,876,187).

Applicants attach hereto a terminal disclaimer over U.S. Patent No. 6,401,267 which obviates the rejection.

III. Conclusions

Applicants believe that claim 47 (and therefore all of its dependent claims) are in condition for allowance. Applicants respectfully request that Examiner Siew contact the undersigned representative in the event that further discussion may be required to facilitate allowance of the claims. Applicants respectfully request an early indication of such a favorable disposition of the case.

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Respectfully submitted,

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